



Reentry and Alternatives to Incarceration (ATI) for Women in Massachusetts: Mapping the Territory

“Prison is not an effective remedy for the drug addiction and economic distress that contribute to the crimes women commit. It makes much more sense to address the root issues by providing community-based drug treatment and investing in alternatives to incarceration” (Women’s Prison Association 2007).

Project Background

This project examines access to alternatives to incarceration (ATI) for women, and explores their utilization for women in Massachusetts. The Project is funded by the Gardiner Howland Shaw Foundation for the period August 2010- July 2011, and builds on the findings of a previous project, also funded by Shaw, and directed by Erika Kates, Ph.D. The earlier project created a statewide coalition of experts who assisted in identifying *gender-responsive, community-based* programs serving incarcerated women in Massachusetts. One of the earlier project’s findings was that fourteen (14) of the seventeen (17) programs also provided resources for women in *reentry*, and that five (5) of the programs also helped women to be *diverted* from incarceration through referrals from the police and probation (Kates 2010). The current project is also guided by an advisory group of state legislators, program administrators, analysts, and other experts.

Project Rationale

The rationale for focusing on gender-responsive programs in general and ATI in particular is based on a number of troubling trends affecting incarcerated women in Massachusetts:

- 1. *Non-sentenced women experience more punitive treatment than men.*** While men await trial in their home communities, women are frequently held at the Awaiting Trial Unit (ATU) at the Massachusetts’ state prison for women (MCI-Framingham). Moreover, it is estimated that half of the women are held in the ATU because they cannot make bail, even for amounts as low as \$50. As a result, they lack access to their families and attorneys; are denied opportunities for contact with community-based resources; and endure severely overcrowded conditions (at 250% - 280% of capacity).
- 2. *Sentenced women are over-incarcerated.*** Compared to men, women are held in greater security than is warranted by their offenses. Half of the women held at MCI-F have been sentenced for less serious county offenses but must serve their time at the state prison because many counties do not hold women prisoners.¹ As a result, women who should be held in minimum security are held instead in in medium/maximum security.
- 3. *Women offenders and their children experience greater disruptions than those of male prisoners.***² When women are arrested their children are automatically displaced, unlike the children of male prisoners who typically remain with their primary caregiver. In addition, their children are likely to be moved several times, and to be separated from their siblings. These events are severely detrimental to children’s development.
- 4. *Sentenced women frequently lack resources necessary to maintain family connections.*** Women housed far from their home communities receive fewer visits from their families than men do. A recent study showed that half of the women held at MCI-F with children do not receive visits from them; a factor that exacerbates women’s chances of permanently losing custody of their children (Kates, Mignon et al. 2007). As a result, sentenced women frequently lose access to children, family members, and the resources that could be

¹ Thirteen of Massachusetts fourteen counties hold prisoners (Nantucket is the exception); but only six counties hold women.

² Two-thirds (2/3) of women offenders in Massachusetts (and the U.S.) are mothers over half lived of whom lived with their children prior to arrest

instrumental in helping them access the resources they need on reentry to the community (treatment, housing, and jobs).

- 5. Women's offenses are overwhelmingly (84%) non-violent.** Women offenders are likely to be involved with substance abuse, to have mental illness, and to have been sexually and/or physically abused. Over two thirds of the sentenced population held in MCI-F has a formal mental health diagnosis, compared to just over one quarter of the sentenced men. Although the Harshbarger Commission pointed to the grave inadequacy of mental health resources in 2004, the lack of treatment resources remains a major concern.
- 6. The ever-increasing prison population causes a tremendous strain on the state's budget.** The average annual cost of housing a prisoner in Massachusetts is around \$46,000. Although women's numbers are a relatively small percentage of men's, their annual rate of increase is twice that of men.

The fundamental premise of ATI is that, Instead of paying the enormous costs of incarceration, it would be more socially and financially cost-effective to provide women with treatment, education, employment, and resources to shore up their families. Although many states are exploring ATI to reduce their prison populations, there is little information as to the extent of women's involvement in ATI, despite the fact that many are obvious candidates for such programs.

Alternatives to Incarceration (ATI): Definitions and Objectives

Definitions

An overview of the research literature reveals numerous definitions of ATI, including community supervision, probation, community corrections, alternative dispositions, intermediate sanctions, pretrial intervention, pretrial diversion, deferred prosecution, and jail diversion.

ATI programs may be chosen based on one or more of the following objectives:

Criminal Justice and Corrections

- Provide treatment for mental illness, substance abuse, trauma, and anger management
- Ameliorate overcrowding
- Reduce incarceration rates
- Reduce prison costs

Social and Community objectives

- Avoid separation from children and other family members
- Reduce community disruption and the burden on caregivers
- Avoid lifelong effects of criminal labeling, and stigma
- Reduce the discriminatory and disproportionate effects of incarceration on racial and ethnic groups

Project Goals

1. Produce a policy brief summarizing ATI in the U.S.; data on costs and outcomes, and utilization by women.
2. Document and report on ATI initiatives currently available to women in Massachusetts.
3. Develop policy recommendations to address the inequitable treatment of women offenders.

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